

JOHN MELIUS, INVENTOR

FAX RECEIVED

OCT 16 2003

GROUP 3600

FACSIMILE TRANSMITTAL SHEET

TO:	Joseph Morano	FROM:	John Melius
COMPANY:	Melius Inventive Arts	DATE:	10/14/2003
FAX NUMBER:	703-746(3074)→3047	TOTAL NO. OF PAGES INCLUDING COVER:	Two
PHONE NUMBER:	703-308-0230	SENDER'S REFERENCE NUMBER:	10/060,142
RE:	Petition to Withdraw Holding of Abandonment on Failure to Receive Office Action	YOUR REFERENCE NUMBER:	Original Petition submitted by hand and fax on 03 Sep 26 with time date stamps to prove receipt.

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☒ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Mr. Morano,

Thank you for following up on the matter of this partition. As we discussed, I have sent this petition through three channels so far in the system so that you may receive this petition through those channels too. You did state that Mr. Basinger had seen the petition, but didn't know where a copy could be found now. Although he did not return my calls to him, he did send an email that commented on this matter briefly. It read,

"with regard to your application, the petition has been received and has been forwarded to the people who will make a decision on it.

sherman basinger

uspto."

I want to thank you for offering to send me an unofficial copy of the office action that I didn't receive, and thank you for ensuring that this petition arrives at the desk of the appropriate special examiners for their inspection and judgment of the facts. When you do send the unofficial office action in question, please note that the fax number, 301-932-5365, is a long distance number from your office and may need a prefix in order to be sent.

If you have any further questions on this matter, please feel free to call me at 301-870-8708.

Best Wishes,



John Melius

John Melius
2725 Vista Court
Waldorf, MD 20603

25 September 2003

COMMISSIONER FOR PATENTS
P.O. Box 1450
Technology Center 3617
Attn: Mr. Basinger
Alexandria, VA 22313-1450

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03 SEP 25 AM 10:33

Dear Sir:

I received a Notice of Abandonment, dated 23 September 2003, for application no. 10/060,142 today with surprise and concern. This is the first communication that I have received from Mr. Basinger since submitting the changes that he requested in his first Office action. In trying to be patient with the pace and work load of the USPTO, I have not troubled Mr. Basinger with calls concerning this application. After receiving this notification, I checked the USPTO website to discern the appropriate section of the MPEP concerning this situation, and I found the following passage:

"2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required.

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows: Mail: Commissioner For Patents, P.O. Box 1450, Technology Center XXXX, Alexandria, VA 22313-1450 (Mark attention of a particular office or individual)*

This letter will be faxed to 703-305-8755 or 703-305-4372, hand carried to Art Section 3617, supplied to Mr. Basinger as a courtesy copy, and submitted through normal channels for a time date stamp.

A search of the file jacket has been made for the Office action of 14 February 2003 with no success. I hereby swear and affirm that it has not been received. This may have been due to a major snow storm starting here on 14 February 2003 which accumulated up to twenty-four inches of snow disrupting normal mail delivery. No record of a docket can be sent with this letter because as an individual inventor no docket is made. Is there a requirement to keep a docket for an individual inventor? Because the Office action of 14 February 2003 was not received, I am asking for a remailing of the Office action.

Mr. Basinger, I will be calling you to follow up on this matter. If you are in a position to remedy this error in document delivery by remailing and starting a new Office action date, please withdraw the holding of abandonment and remail the 14 February 2003 Office action and start a new Office action date. If this is not within your authority, please notify me what steps are necessary to attain a proper remedy for this situation (telephone number 301-870-8708 or johnmelius@comcast.net). Thank you for your efforts.

Respectively Yours,



John Melius